

VZCZCXYZ0000
OO RUEHWEB

DE RUEHC #0574 1622343
ZNR UUUUU ZZH
O 112314Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY LOME IMMEDIATE 0000

UNCLAS STATE 060574

SIPDIS

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [TO](#)
SUBJECT: TOGO -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[B. \(B\)](#) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Togo of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Togo and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Togo of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Togo's country narrative in the 2009 TIP Report:

Togo (TIER 2)

Togo is a source, transit and, to a lesser extent, a destination country for women and children trafficked for the purposes of forced labor and commercial sexual exploitation. Trafficking within Togo is more prevalent than transnational trafficking and the majority of victims are children. Togolese girls are trafficked primarily within the country for domestic servitude, for forced work as market vendors and produce porters, and for commercial sexual exploitation. To a lesser extent, girls from Togo are also trafficked to other African countries, primarily Benin, Nigeria, Ghana, and Niger, for the same purposes listed above. Although some Togolese boys are trafficked within the country, they are more commonly trafficked transnationally to work in agricultural labor, including on cocoa farms, in other African countries, primarily Nigeria, Cote d'Ivoire, Gabon and Benin. Over the last year, Togolese boys were also trafficked to Ghana for forced begging by a religious instructor. Beninese and Ghanaian children have been trafficked to Togo. There were reports of Togolese women and girls trafficked to Lebanon and Saudi Arabia, likely for domestic servitude and forced prostitution. Togolese women may be trafficked to Europe, primarily to France and Germany, for the same purposes.

The Government of Togo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The government continued steady efforts to protect trafficking victims and to prosecute and convict trafficking offenders.

Recommendations for Togo: Continue to increase efforts to prosecute and convict trafficking offenders; criminalize the trafficking of adults; increase efforts to raise public awareness about trafficking, particularly about legislation criminalizing it; and establish the National Committee to Combat Child Trafficking mandated in Togo's 2005 law against child trafficking.

Prosecution

The Government of Togo demonstrated increased law enforcement efforts to combat trafficking during the last year. Togo does not prohibit all forms of trafficking, though in July 2007 the government enacted a Child Code that criminalizes all forms of child trafficking. This law supplements Togo's 2005 Law Related to Child Trafficking, which criminalizes the trafficking of children, but provides a weak definition of trafficking and fails to prohibit child sexual exploitation. Togo's maximum prescribed penalty of 10 years' imprisonment for child trafficking is sufficiently stringent and commensurate with prescribed penalties for other grave offenses. The prescribed penalties of one to five years, imprisonment for sex trafficking of children 15 years and older, and 10 years, imprisonment for sex trafficking of children younger than 15 years, are sufficiently stringent and commensurate with penalties prescribed for statutory rape. Article 4 of the 2006 Labor Code criminalizes forced and obligatory labor, prescribing inadequate penalties for forced labor of either three to six months, imprisonment, a

fine, or both, and double these penalties for &obligatory8 labor. This Article does not provide definitions of either of these labor violations. The Government of Togo reported 13 prosecutions of trafficking offenders, 12 of whom were convicted. Four convicted traffickers each received sentences of two years, imprisonment, and one of these perpetrators, who is Beninese, was banned from entering Togo for five years after serving his sentence. Six traffickers each received punishments of eight months, imprisonment and two traffickers received prison sentences of six months

The Ministry of Social Affairs (MOSA) contributed vehicles and trainers to UNICEF-supported anti-trafficking training of magistrates in Atakpame and Kara. In June 2008, the Ministry of Security conducted a donor-funded trafficking training for 30 police officers and gendarmerie. The government relied largely on ILO-funded local vigilance committees, usually composed of local government officials, community leaders, and youth, to report trafficking cases.

Protection

The Togolese government continued steady efforts to protect trafficking victims over the last year. The government did not operate its own victim shelter. Togolese officials continued to refer trafficking victims to NGOs for care, however. After identifying trafficking victims, police regularly contacted MOSA staff, who arranged for victim referral to an NGO. The MOSA also helped to identify the families of child victims and helped with their reintegration by ensuring that they received schooling. Two MOSA social workers were on-call 24-hours a day to assist trafficking victims. The government also provided temporary shelter to victims at community transit centers located in each of its four regions if NGO facilities were stretched to capacity. One anti-trafficking NGO in Lome that cares for child victims 14-years-old and younger reported that approximately two-thirds of the 180 children it provided with care in the last year were referred by government officials. Another NGO that assisted 260 female victims below the age of 18 during the year estimated that 65 percent of these victims were referred by the government. During the year, a MOSA vocational center for destitute children assisted approximately 20 trafficking victims. In April 2008, Togolese officials collaborated with authorities in Benin to repatriate two male child trafficking victims to Benin from Togo.

Because the government does not follow systematic procedures to identify trafficking victims among women and girls in prostitution, sex trafficking victims may have been inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked. The government sometimes encouraged victims to assist in trafficking investigations or prosecutions on an ad hoc basis. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution; however, the majority of victims identified in Togo were Togolese.

Prevention

The Government of Togo made weak efforts to prevent trafficking during the year. In June 2008, the President presided over a day-long program to promote the government's anti-trafficking strategy during which five child victims told their stories of being trafficked, an anti-trafficking film was shown, and both the President and the Minister of Social Affairs publicly denounced trafficking. At the end of the day, local anti-trafficking committees presented recommendations for a strengthened anti-trafficking response.

In January 2009, the government ran a campaign to publicize its new toll-free hotline staffed by government personnel to report cases of violence against children, including trafficking. The number, &ALLO 111,8 is jointly funded by Togo Telecom, private cell phone companies, UNICEF and an NGO. Soon after the hotline was announced, a caller phoned

in a tip that prevented two children from being trafficked across the border to Benin. While some minor action items in the national action plan, which was developed in 2007, have been started, the majority of the plan has not yet been implemented due to lack of financial means. The National Committee for the Reception and Social Reinsertion of Trafficked Children reported close collaboration with its counterparts in Benin and Togo to develop bilateral anti-trafficking action plans. The government provided Togolese troops deployed abroad as part of peacekeeping missions some trafficking awareness training prior to their deployment. The National Committee to Combat Trafficking mandated by Togo's 2005 anti-trafficking law has not yet been established. Togo did not take measures to reduce demand for commercial sex acts. Togo has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after

the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

110. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

111. The following is press guidance provided for Post to use with local media.

Q1: Why is Togo on Tier 2?

A: The Government of Togo does not fully comply with the minimum standards for the elimination of trafficking;

however, it is making significant efforts to do so, despite limited resources. The government continued steady efforts to protect trafficking victims and to prosecute and convict trafficking offenders.

Q2: What progress has Togo made in the last year?

A: The Government of Togo reported 13 prosecutions of trafficking offenders, 12 of whom were convicted. One anti-trafficking NGO in Lome that cares for child victims 14-years-old and younger reported that approximately two-thirds of the 180 children it provided with care in the last year were referred by government officials. Another NGO that assisted 260 female victims below the age of 18 during the year estimated that 65 percent of these victims were referred by the government. A Ministry of Social Affairs vocational center for destitute children assisted approximately 20 trafficking victims. In January 2009, the government ran a campaign to publicize its new toll-free hotline staffed by government personnel to report cases of violence against children, including trafficking.

Q3: What can Togo do to further the fight against trafficking in persons?

A: Continue to increase efforts to prosecute and convict trafficking offenders; pass a law prohibiting the trafficking of adults; increase efforts to raise public awareness about trafficking, particularly about legislation criminalizing it; and establish the National Committee to Combat Child Trafficking mandated in Togo's 2005 law against child trafficking.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON